UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

IN RE APPLICATION OF)	**Misc. Civil Action No.** 11-MC-06002
PORTON CAPITAL, INC.)	Honorable David G. Larimer
For Discovery in Aid of a)	
Foreign Proceeding)	
Pursuant to 28 U.S.C. § 1782)	

**NOTICE OF MOTION AND MOTION OF CHARLES KUMMETH, 3M
COMPANY, AND 3M UK HOLDINGS LIMITED TO QUASH SUBPOENA
PURSUANT TO RULE 45 OF THE FEDERAL RULES OF CIVIL PROCEDURE
AND TO QUASH PORTON CAPITAL, INC.'S APPLICATION FOR
DISCOVERY PURSUANT TO 28 U.S.C. § 1782**

TO: Applicant Porton Capital, Inc., and its attorneys Robert D. Leary, Esq., Kenney
Shelton Liptak Nowak, LLP, Suite 510, Rand Building, 14 Lafayette Square,
Buffalo, New York 14203 and Michael P. Socarras, Esq., Matthew M. Leland,
Esq., McDermott Will & Emery LLP, 600 Thirteenth Street, N.W., Washington,
D.C. 20005.

PLEASE TAKE NOTICE that Non-Parties Charles Kummeth, 3M Company, and

3M UK Holdings Limited, by and through their undersigned counsel, will and hereby do

move the Court at the United States District Court for the Western District of New York,

at a time and place to be assigned by the Court pursuant to Local Rule 7.1, to quash a

subpoena pursuant to Fed. R. Civ. P. 45 and to quash Porton Capital, Inc.'s application

for discovery pursuant to 28 U.S.C. § 1782. This motion is based on the accompanying

memorandum of law and supporting affidavits and declarations as well as all of the files,

records and proceedings herein.

Dated: February 11, 2011

Lavin, O'Neil, Ricci, Cedrone & DiSipio

By _s/Bernadette Weaver-Catalana_
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